

**SIGN REGULATIONS APPLICABLE TO
THE FORT BEND PARKWAY, WESTPARK TOLLWAY, AND
GRAND PARKWAY TOLL ROAD IN FORT BEND COUNTY, TEXAS**

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DEFINITIONS

The following general definitions shall apply to these Regulations:

Abandoned Sign – means any Sign directing attention to any Person, place, or thing that was once, but is no longer, within the last 60 days, offered, available, or located at place described on the Sign.

Authority – means Fort Bend County Toll Road Authority or Fort Bend County Grand Parkway Toll Road Authority.

Bandit Sign or Lawn Sign – means a temporary Freestanding Sign commonly made from corrugated plastic, greyboard, or similar type of material.

Banner – means a Temporary Sign made of cloth, plastic, canvas, or other material and not permanently affixed.

County Toll Road – means any toll road in Fort Bend County, including, but not limited to, Fort Bend Parkway, Westpark Tollway, Grand Parkway, and any such toll road that may be constructed in the future and falls under the jurisdiction of Fort Bend County.

County Toll Road Attorney – means and includes any lawyer or law firm engaged by the Authority to provide legal services related to these Regulations.

County Toll Road Operator – means the designated agent(s) or employee(s) responsible for administering and enforcing these Regulations, as provided in Sections 1, 2, and 3 of these Regulations.

Electronic Sign – means any Sign that is capable of changing its message, copy, or appearance by electronic or mechanical processes.

Fence Sign – means any Sign affixed to or painted upon a fence. A Fence Sign is a Bandit Sign, for purposes of these Regulations.

Flag – A piece of fabric, cloth, plastic, vinyl, canvas, or other similar material that is the official symbol of a governmental entity in which it is located, such as the United States, the county, or a city or school district, used to denote presence in the entity's jurisdiction, attached to rope or clips and displayed from a permanently affixed freestanding or wall-mounted Pole.

Flag Pole – A freestanding or wall-mounted Pole specifically designed for displaying Flags.

Freestanding Sign – means an On-Premise Sign or 3-dimensional object, supported by a foundation that is not attached to any building or structure, whose components are permanently affixed. Freestanding Signs include Monument Signs, Pole Signs, Subdivision Entry Signs, and Temporary Signs.

Frontage – means the total length in feet of the Right-of-Way Line for a particular Premises.

Grade – means the natural level of the ground upon which the Sign Structure is placed. The Authority may take into account previous or proposed artificial manipulation of the ground level in determining compliance with these Regulations.

Illuminated Sign – Any Sign that contains electrical wiring or utilizes electricity to illuminate the Sign or its characters, letters, figures, designs, or outline.

Incidental Sign – means small Signs, generally less than 2 square feet in Sign Area, intended primarily for the convenience of the public, including address numbers, hours of operation, restroom, building entrance, help wanted, curbside to go pick-up area, delivery/loading dock, drive-thru, and other similar information.

Kelvin – base unit of thermodynamic temperature, equal in magnitude to the degree Celsius; used in lighting to measure the color temperature – the higher the Kelvin, the whiter the light.

Lumen – basic unit for measuring brightness.

Modification – means to change the size, shape, illumination, or classification of Sign.

Monument Sign – means a Freestanding Sign attached to a permanent foundation or decorative base and not attached or dependent on support from any building, Pole, posts, or similar uprights.

Off-Premise Sign – means a Sign directing attention to any Person, place, or thing not principally located on the Premises on which the Sign is located.

On-Premise Sign – means a Sign directing attention to any Person, place, or thing principally located on the Premises on which the Sign is located.

Permittee – means the Person granted a Sign permit.

Person – means an individual, corporation, association, or any other legal entity.

Pole – means a long, slender, usually cylindrical object.

Pole Sign – means a Sign (i) detached from a building and affixed to a Pole, or (ii) having a support structure narrower than the Sign Area.

Portable Signs – means any Sign not permanently attached to the ground or other permanent structure, or a Sign designed to be easily moved from 1 location to another. Portable Signs include, but are not limited to, benches, umbrellas, sandwich or menu boards, and all other unique portable displays, Vehicular Signs, and Signs mounted or painted on trailers, wheels, stakes, skids, or other non-motorized mobile structures. Portable Signs are not considered Temporary Signs.

Premises – means (1) for any developed property, the area of real property which encompasses all the buildings, structures, appurtenances, and contiguous land devoted to a common use and not separated by a public Street, such as a shopping center; or (2) for undeveloped property, the area of real property designated as a lot on a plat of record, or an unplotted tract of land as conveyed by deed or operation of law and recorded in the deed records of the County.

Reflectorized Lights – means any lamp constructed with reflector-type materials so as to focus, intensify, flood, or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector, or reflector spot, reflector light, or clear reflector.

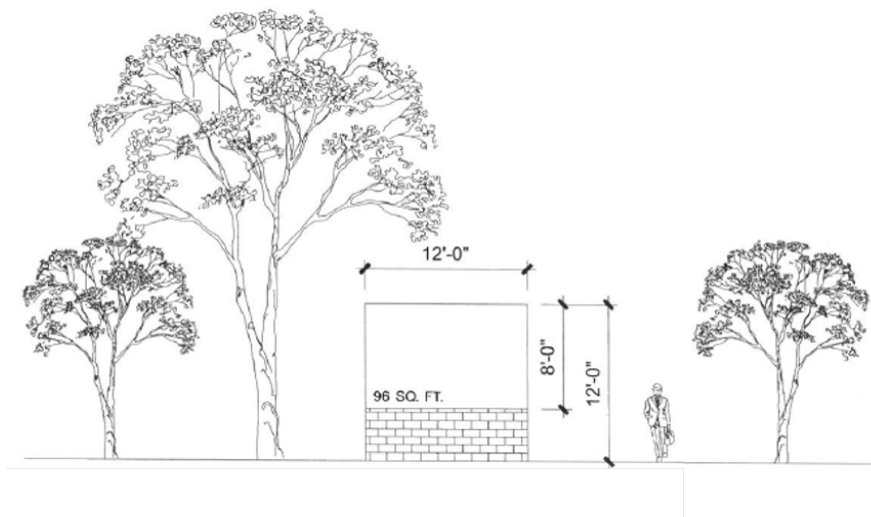
Right-of-Way – means land, property or interest, usually in a strip, owned by the Authority, and includes land for drainage of the County Toll Roads.

Right-of-Way Line – means a property line between the Right-of-Way on which a County Toll Road has been constructed or is planned, and adjacent private property.

Roof Sign – means a Sign erected or maintained above or on the roof of a building.

Sign – a notice that is publicly displayed giving information or instructions in a written or symbolic form, including, but not limited to, every name, number, identification, description and announcement, declaration, demonstration, advertisement, device, display, flag (but not Flag), banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any Person, place, or thing.

Sign Area – measurement of the plane located at the tangent edge of the Sign that will encompass the outermost perimeter of the writing, graphic representation, emblem, or other display, together with any material or color forming an integral part of the background of the message or display or otherwise used to differentiate the Sign from the backdrop or structure against which it is placed, including any supporting framework; as viewed from the Right-of-Way. When Signs are composed of individual elements, the area of all Sign elements, which together convey a single complete message, shall be considered a single Sign. The Sign Area of a double-faced Sign shall be calculated using the area of 1 side only. The Sign Area of 3-dimensional or multi-faced Signs shall be calculated as the maximum Sign Area from the main-traveled way of a County Toll Road. The Sign Area of an Electronic Sign or an Illuminated Sign shall be calculated using the outermost perimeter of the electronic or illuminated display. In the illustration below, the “Sign Area” is 96 sq. ft.



Sign Owner – means the Permittee or the owner of the Premises upon which the Sign is to be or has been constructed, the owner’s authorized agent, or other Person responsible for installation or maintenance of the Sign or advertised on the Sign.

Sign Structure – means the structure which supports a Sign.

Spectacular Sign – mean any Sign that has 1 or more of the following as elements in its physical structure:

- (1) A Sign that changes its information or instructions more often than once every 8 seconds, or the change of message does not occur within 2 seconds simultaneously on the entire Sign Area;
- (2) Blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating or spot lights, or similar devices;
- (3) Lights or colored elements creating a moving, shimmering, or prismatic effect;

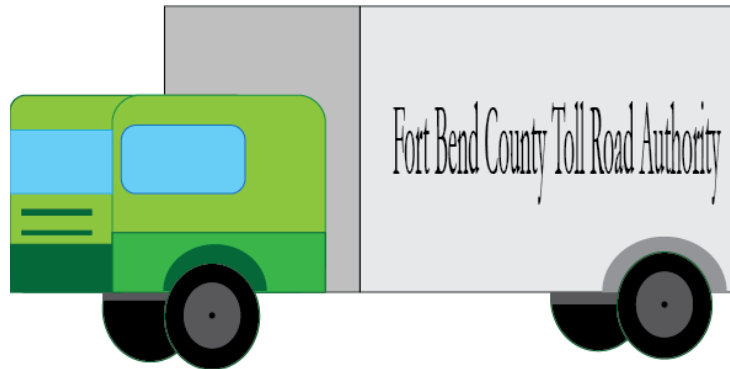
- (4) Rotating or moving parts; or
- (5) Contains any other component which the Authority determines may distract or impair drivers on the County Toll Roads.

Subdivision Entry Sign – means a Freestanding Sign that:

- (i) is located at a major entrance to a residential subdivision greater than or equal to 75 acres or a commercial subdivision greater than or equal to 25 acres; and
- (ii) (a) is located on a major thoroughfare or major collector road that intersects the County Toll Road Right-of-Way, or (b) is located on a property line of the subdivision that intersects the County Toll Road Right-of-Way.

Temporary Sign – means an On-Premise Sign constructed of canvas, cloth, plastic, cardboard, coroplast, or other like materials, not permanently affixed to the ground or a structure, and intended to be displayed for a period of less than 7 consecutive days in any 30-day period.

Vehicular Sign – means a Sign wrapped around, attached to, or painted on vehicles that are parked in a manner to be Visible from the main-traveled way of a County Toll Road.



Violation Notice – shall have the meaning provided in Section 2(c)(2) of these Regulations.

Visible – means that any message or part thereof of the Sign is legible or erected for the purpose of having the message seen from the main-traveled way of a County Toll Road. Any Sign within 660 feet of a County Toll Road shall be presumed Visible from that road, however, there is no presumption that Signs beyond 660 feet of a County Toll Road are not Visible from the road.

Wall Sign – means a Sign affixed to, supported by, or painted upon the exterior wall or window of any building. Signs on permanent awnings, canopies, or marquees attached to buildings are classified as Wall Signs.

Watt – means a measurement of power consumption; with traditional incandescent light sources typically the higher the wattage, the brighter the light.

Wayfinding Sign – means a Sign or series of Signs that assist in navigating from point to point.

Window Display – Any Sign, picture, symbol, paint, etching or combination thereof, designed to communicate information, that is placed inside of or upon the glass of a window or door and is visible from the exterior of the window.

SCOPE, STATUTORY AUTHORITY, AND STATEMENT OF PURPOSE

a. Statutory Authority

These Regulations are adopted by the Authority, pursuant to Chapter 395 of the Texas Transportation Code (“Transportation Code”) and Chapter 284 of the Transportation Code.

b. Scope

These Regulations apply to all Visible Signs. Signs that are located on land that is within 660 feet of the Right-of-Way Line along the County Toll Roads are presumed to be Visible and erected for the purpose of having the message seen from the main-traveled way.

Signs regulated under these Regulations and located on property within the territorial limits of a municipality or an ETJ of a municipality may be subject to additional regulation enacted by that municipality. A separate permit is required from a municipality or other governing entity who regulates signs in its jurisdiction. Approval of plans, issuance of a permit, or approval of work by the Authority does not constitute the approval by any other government entity.

Signs regulated under these Regulations may also be subject to more restrictive requirements pursuant to scenic easements, deed restrictions, or other land use restrictions established by private property owners and enforced by property owners’ associations. These Regulations are in addition to any obligation to comply with such requirements.

c. Statement of Purpose

These Regulations govern the placement, size, and certain aspects of Sign design to achieve visual continuity and reduce sign clutter along the County Toll Roads. Signs which may distract or impair drivers on the County Toll Roads pose a threat to the health, safety, and welfare of the traveling public.¹

These Regulations establish the permitting, construction, maintenance, and alteration requirements for all Signs placed along the County Toll Roads. The Regulations also establish fees associated with Sign permitting and penalties for violations of these regulations.

¹ “Digital billboard manufacturers should design such billboards with the minimal amount of animations to minimize the impact of distraction on drivers.... Updates of regulations shall consider restrictions in the frequency, placement and operation of digital advertising billboards in order to protect the safety of the public and reduce unnecessary cluttering and visual pollution.” *Digital Advertising Billboards and Driver Distraction*, National Center for Transportation Systems Productivity and Management, at 88 (April 2015). “Information overload may be possible when drivers either have to gaze at electronic changeable message highway signs too long, or drivers have to devote too much attention (mental effort) to extracting meaning from [such signs].” *Information as a Source of Distraction*, U.S. Department of Transportation, Federal Highway Administration, Publication No. FHWA-HRT-15-027, at 11 (November 2015).

These Regulations amend and supersede all prior sign regulations adopted by the Authority, to wit:

1. Order Establishing Regulations of Fort Bend County for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road within Fort Bend County, Texas, effective January 24, 2006 (“2006 Regulations”);
2. Policy for Consideration of Variance Requests for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road within Fort Bend County, Texas, effective January 25, 2011 (“2011 Variance Policy”);
3. Amended and Restated Order Establishing Regulations of Fort Bend County for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road within Fort Bend County, Texas, effective October 25, 2011, which amended and restated the 2006 Regulations and incorporated and restated the 2011 Variance Policy (“2011 Regulations”);
4. Amended and Restated Order Establishing Regulations of Fort Bend County for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road within Fort Bend County, Texas, effective August 27, 2013 (“2013 Regulations”).

PROCESS AND PROCEDURE

Section 1 – Permitting Application & Process

a. **Permit Required**

No Person shall erect, construct, reconstruct, Modify, maintain, or use a Sign Visible from the main-traveled way of a County Toll Road, without first obtaining a permit from the County Toll Road Operator, unless the Sign is exempt under Section 7(b) hereof or a Grandfathered Sign under Section 7(c)(1) hereof.

b. **Permit Application Process**

- 1) The application for a permit shall be submitted in such form as the County Toll Road Operator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with these Regulations. Every application shall be executed by the owner of the Premises upon which the Sign is to be or has been constructed, or by the owner’s authorized agent. If the Sign's plans and specifications conform to all requirements of these Regulations, the County Toll Road Operator shall issue the permit. Notwithstanding the foregoing, a permit issued under these Regulations does not authorize construction of a Sign in violation of any other land use restriction, ordinance, regulation, or statute.
- 2) Permit applications may be submitted and processed online via the following website:

- 3) Sign permit applicants shall provide such information as may be required by the County Toll Road Operator.

c. **Fee and Penalty Schedule**

Required fees and penalties are set forth in the fee and penalty schedule attached hereto as **Appendix A** and incorporated herein for all purposes. **Fees and penalties are non-refundable.**

d. Permit Approval

County Toll Road Operator shall be allowed up to 10 business days for processing, review, and approval of a permit application, pending no outstanding permit or processing issues. Once the permit application has been approved, the permit goes into effect on the next business day.

e. Permit Denial

In the event of the denial of a permit, the applicant will be notified in writing of the reason for denial within 10 business days of submission of a permit application. The applicant will have 30 days to address the issue(s) and resubmit any amendments or revisions to the application. After 30 days, the applicant will be required to submit a new application and fee.

If the County Toll Road Operator denies a permit application for a Sign, the applicant has 30 days from the date of denial to submit a written request for appeal to the County Toll Road Operator's office. The appeal request includes a request for a public hearing by the Board of Directors ("Board") of the Fort Bend County Toll Road Authority or Fort Bend Grand Parkway Toll Road Authority, as applicable, for reconsideration of the permit application.

f. Variations

- 1) If the County Toll Road Operator denies a permit application for a Sign, the applicant has 30 days from the date of denial to submit a written variance request to the County Toll Road Operator's office. The variance request includes a request for a public hearing by the Board for consideration. Alternatively, the applicant may submit the written variance request and request for public hearing to the County Toll Road Operator simultaneously with submission of the permit application.
- 2) A variance may be granted where (i) a strict application of the Regulations would create an undue hardship for the Sign user and (ii) the following criteria are met:
 - a. The granting of the requested variance would not be substantially detrimental to the property owners in the vicinity;
 - b. The hardship caused to the Sign Owner under a strict application of the Regulations is due to conditions unique to that property and does not generally occur in other properties affected by these Regulations; and
 - c. The granting of the variance to the Applicant, and those similarly situated, would not be contrary to the general objectives of these Regulations.
- 3) In considering requests for variances from the Regulations, the Board may consider, but is not limited to, the following factors:
 - a. Will the general purpose of the Regulations be maintained?
 - b. Will the proposed Sign be Visible primarily from another roadway that is not a County Toll Road?
 - c. Will granting the variance establish a result which, when applied to other applicants, would hinder the general purpose of the Regulations?

- 4) A variance may only be granted by an affirmative vote of at least 4 members of the Authority Board. The Authority shall make a finding to approve or deny the variance request, and the finding shall be recorded in the official minutes of the Authority.

Section 2 - Enforcement

a. Unlawful Signs

If any Sign is installed, erected, constructed, or maintained in violation of any provisions of these Regulations, the Board may initiate enforcement proceedings against the Sign Owner, as authorized in these Regulations, including, but not limited to, filing criminal charges², initiating permit revocation proceedings, or filing suit for injunctive relief from the violation. Removal of an unlawful Sign installed, erected, or constructed in violation of a permit or these Regulations, with the exception of Grandfathered Signs, shall not be subject to the compensation requirements of Chapter 395 of the Transportation Code.

b. Removal of Existing Signs

Grandfathered Signs may be ordered removed by the Board at any time, (i) in accordance with other applicable laws, including, but not limited to, Chapter 21 of the Texas Property Code, and (ii) provided compensation is paid as provided in Section 395.005 of the Transportation Code.

c. Permit Revocation

The County Toll Road Operator may revoke any permit authorized by these Regulations, if the permitted Sign is maintained or constructed in violation of these Regulations. If a permit is revoked, the Sign Owner must remove the Sign.

1) Offenses & Penalties

Person commits an offense under these Regulations by knowingly placing, erecting, or maintaining, or causing the placement, erection, or maintenance of any Sign that violates the provisions of these Regulations. Each day a violation occurs shall constitute a separate offense. Such an offense is a Class C misdemeanor and may be prosecuted as such pursuant to Section 395.010 of the Transportation Code.

2) Revocation and Appeals Procedure

- a. Prior to revoking a permit, the County Toll Road Operator shall send a written notice (“Violation Notice”) by certified mail or personal delivery to the Permittee, at their address of record, and provide an opportunity to contest, explain, or correct the issues, at a meeting of the Board. The Permittee shall be given the opportunity to present relevant facts

² Pursuant to Section 395.010 of the Transportation Code, violation of a rule adopted under Subchapter A, Regulation of Outdoor Signs by Toll Road Authority, is a Class C misdemeanor.

and legal arguments at the hearing conducted by the Authority. The written notice shall inform the Permittee of (a) the issues related to the Sign requiring such permit revocation, (b) the date of the proposed permit revocation if the issues are not address prior thereto, (c) the date, time, and place of the next scheduled Board meeting, and (d) the opportunity to contest, explain, or correct the issues, by presenting in person or in writing such matter to the Board at the next scheduled meeting as shown on the notice. The date specified for such permit revocation shall be no less than 10 days after the date of the next scheduled Board meeting as shown in the notice. The notice shall be deposited, postage paid, in a post office or official depository under the care and custody of the United States Postal Service or delivered via personal delivery at least 10 days prior to the date of the scheduled Board meeting. A written statement by the County Toll Road Operator that the notice was so mailed or delivered and a certificate of mailing by the United States Postal Service for certified mail or evidence of personal delivery shall be prima facie evidence of delivery of same. A fee in the amount of \$6.00 shall be charged by the County Toll Road Operator for each such notice mailed to a Permittee. If the Permittee appears before the Board in person or in writing, the Board shall hear and consider the matter and inform the Permittee of the Board's determination by sending written notice by United States first class mail to the Permittee at their address of record. Any Person wishing to appeal the decision of the Authority may do so pursuant to Section 2(c)(2)(b) of these Regulations.

b. Appeal of a Final Decision of the Authority

Pursuant to Section 243.007(c) of the Texas Local Government Code, the District Court has jurisdiction over all matters that arise from the denial, suspension, or revocation of a permit.

Section 3 – Administration & Enforcement Generally

a. Powers of the County Toll Road Operator

The County Toll Road Operator is hereby authorized and directed to administer and enforce all provisions of these Regulations. The duties of the County Toll Road Operator, as they relate to these Regulations, shall include, but are not limited to, issuing permits, ensuring all Signs are in compliance, inspecting Signs, investigating alleged violations, issuing violation notices for noncompliance, and assuring appropriate action is taken to correct noncompliance. The County Toll Road Operator may initiate enforcement action for the removal of a Sign and collect compensation for the costs associated with removal of that Sign.

b. Specific Powers

The County Toll Road Operator has the power and authority to enforce these Regulations. Included among these powers are the following specific powers:

- 1) The right to inspect and approve all Signs subject to these Regulations.
- 2) The right to review, approve, or deny all permit applications and to determine whether the proposed or existing Sign meets all requirements of these Regulations.
- 3) The right to enter on any Premises, with a court order, to remove a Sign;

- 4) Upon a finding of a violation of these Regulations, the County Toll Road Operator shall issue a Violation Notice and a stop work order (if applicable), and any work on a Sign deemed to be in violation of these Regulations shall cease immediately.
- 5) After issuance of a Violation Notice, the County Toll Road Operator shall initiate enforcement proceedings when necessary to enforce compliance. Such enforcement includes, but is not limited to, revocation of permits, impounding of Signs, removal of Signs, and any other penalty consistent with Section 2 of these Regulations.
- 6) The right to revoke all permits authorized by these Regulations for violations of any provisions pursuant to Section 2(c) hereof.

c. Enforcement

Any Person found in violation of these Regulations shall be punished in accordance with Section 2 and this Section 3. Additionally, upon request of the County Toll Road Operator, the County Toll Road Attorney is hereby authorized to take all equitable actions to insure compliance, including injunctive relief, the removal of a Sign, and the collection of compensation for the costs associated with removal of that Sign, pursuant to the terms hereof.

SIGN RESTRICTIONS

Section 4 – Prohibited Signs

No permit may be granted for the following Signs:

- a. Signs which do not conform to these Regulations;
- b. Signs on the Right-of-Way;
- c. Off-Premise Signs;
- d. Abandoned Signs;
- e. Bandit or Lawn Signs;
- f. Billboard Signs;
- g. Roof Signs;
- h. Portable Signs;
- i. Signs employing a stereopticon or motion picture machine;
- j. Spectacular Signs; and
- k. Strings, pennants, twirlers, propellers, flares, balloons, noise-creating wind devices, inflatable displays, and similar devices, including wind devices activated by natural or artificial means, are prohibited.

Section 5 - Sign Classification & Guidelines

a. Monument Sign

Height and Size Limitations at Grade:

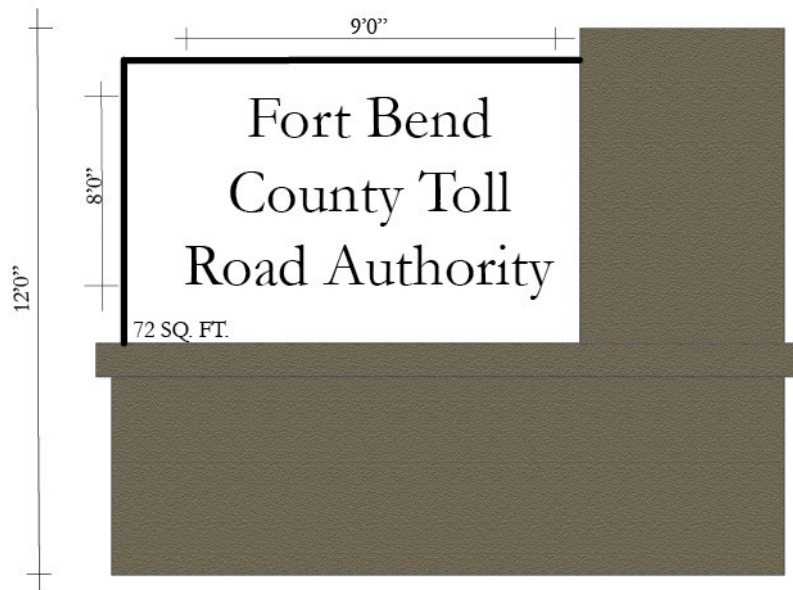
The maximum height of a Monument Sign, including its Sign Structure, is 12 feet above Grade. Sign Area for Monument Signs shall be no larger than prescribed in **Table A**.

TABLE A: MONUMENT		
Type of Building	Distance From Toll Road R.O.W. (in Feet)	Maximum Sign Area (in Square Feet)
Single Business	0-250	75
	250-500	100
Multi-Tenant 2-3 businesses*	0-500	200
Multi-Tenant 4 or more businesses*	0-500	300

*Individual business Sign Area shall not exceed 100 square feet.

Quantity Limitations:

Each building may erect 1 Monument Sign on or adjacent to the Right-of-Way Line. If a building has more than 1,000 feet of Frontage, then 1 additional Monument Sign per 1,000 feet of Frontage will be allowed, and must meet the size requirement in **Table A**, provided the Signs are separated a minimum of 500 feet apart. Notwithstanding the foregoing, the total number of Visible Monument Signs per multi-tenant building shall not exceed 5.



b. Subdivision Entry Signs

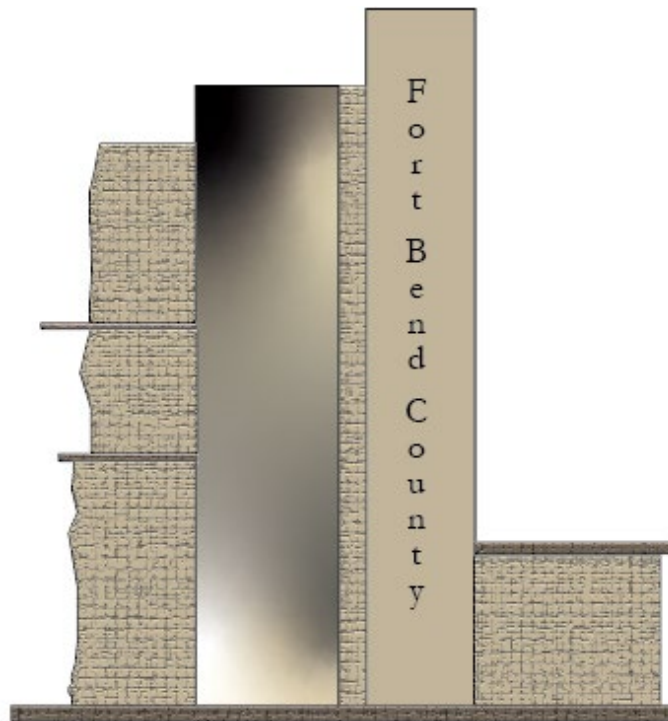
Height and Size Limitations at Grade:

Signs and Sign Structures shall be no larger than prescribed in **Table B**:

TABLE B: SUBDIVISION ENTRY SIGNS		
	Maximum Height Above Grade (in Feet)	Maximum Sign Area (in Square Footage)
Sign	12	200
	Distance From Toll Road R.O.W. (in Feet)	Maximum Height Above Grade (in Feet)^
Sign Structure	0-140	25-60
^Maximum vertical height of Sign and Sign Structure combined shall not exceed this value.		
** Maximum Height Above Grade of Sign Structure increases by 1 foot for every 2 feet horizontally offset from the Toll Road R.O.W., up to a maximum of 60 feet in height, as determined by the Regulations. Maximum elevation of Sign Structure cannot be more than 12" above the R.O.W curb edge.		

Quantity Limitations:

Each subdivision may erect 1 Subdivision Entry Sign on or adjacent to the Right-of-Way Line for each Subdivision Entrance located on a major thoroughfare or major collector road (“Entry Road”) that intersects the County Toll Road Right-of-Way or is located on a property line of a subdivision that intersects the County Toll Road Right-of-Way. For the purposes of these Regulations, 2 Subdivision Entry Signs on either side of the Entry Road leading to the same Subdivision Entrance are considered 1 Subdivision Entry Sign. Notwithstanding the foregoing, all Subdivision Entry Signs shall be no less than 1/2 mile apart, and the total number of Visible Subdivision Entry Signs shall not exceed 5 in number per subdivision.



c. Temporary Signs

Height and Size Limitations at Grade:

(1) The maximum combined height of a Temporary Sign and its Sign Structure is 5 feet above Grade. The Sign Area of a Temporary Sign shall not exceed 30 square feet.

(2) Method of Determining the Sign Area of a Temporary Sign:

In determining the Sign Area of a Temporary Sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. If the Temporary Sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of Sign Area shall include the actual area of the cutout or extended facings. For double faced, back-to-back, or V-type Signs, each face shall be considered a separate Sign in computing the Sign Area.

Quantity Limitation: Each business may erect 1 Temporary Sign per 500 feet.

Duration: A Temporary Sign can be displayed for no more than 7 consecutive days in any 30-day period, with the exception of a Temporary Sign posted on property that is actively marketed for sale, which may be displayed for no more than 90 consecutive days.

d. Wall Signs

Height and Size Limitations at Grade:

Wall Signs shall be no larger than prescribed in **Table C**:

TABLE C: WALL SIGNS	
Distance From Toll Road R.O.W. (in Feet)	Maximum Sign Area (in Square Feet)*
<100	75
100	100
150	200
200	300
250	400
300	500
350	600
400	700
450	800
500	900
500+	1000
*Intermediate distances shall be rounded down for the maximum Sign Area of Wall Signs.	

Quantity Limitations

Each building may erect a maximum of 1 Wall Sign. If a building has more than 300 feet of building face along the County Toll Road, 1 additional Wall Sign per 300 feet will be allowed, provided the Signs meet the Sign Area requirement in **Table C** and are separated a minimum of 150 feet apart.



e. Illuminated or Electronic Signs

- (1) All Signs must meet the requirements in the Order for Regulation of Outdoor Lighting in the Unincorporated Areas of Fort Bend County, Texas, adopted March 23, 2004, and last amended August 29, 2006 (the "County Lighting Regulations"), in addition to the requirements in these Regulations.
- (2) All Illuminated Signs shall (i) meet the requirements listed in **Table D**, (ii) be limited to not more than 10 bulbs of 100 Watts or less, (iii) be limited to lighting circuits of 120 volts, (iv) contain a sunshade screen dimmer, (v) not use Reflectorized Lights as part of the face of the Sign, and (vi) contain lights which are effectively shielded to prevent beams or rays of light from being directed at any portion of the main-traveled way of a County Toll Road.
- (3) The lights on the Sign or Sign Structure cannot move, rotate, chase, flash, blink, or strobe, or be scintillating or spot lights, or similar devices.
- (4) The Sign may not contain lights or colored elements which create a moving, shimmering, or prismatic effect.

- (5) Lighting reflectors on Signs may project beyond the face of the Sign.
- (6) Every Sign shall provide rigid construction to withstand wind action in all directions.
- (7) Any changeable message shall not change more often than every 8 seconds, and the change of message must occur within 2 seconds simultaneously on the entire Sign Area.

TABLE D: ILLUMINATION REQUIREMENTS			
	Maximum Watts	Maximum Lumens	Maximum Kelvins
Units	100	1600	4000

Section 6 - Sign Maintenance

All Signs shall be kept in good repair and, unless of galvanized or non-corroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as good maintenance necessitates. All braces, bolts, clips, supporting frame, and fastenings shall be free from deterioration, termite infestation, rot, or loosening. If any Sign is not appropriately maintained, the County Toll Road Operator shall give written notice to the Sign Owner to repair, maintain, or remove the Sign within 30 days from the date of the notice.

Section 7 - Existing Signs

a. Non-Compliant

Any Sign erected without a permit, or that is permitted and is not in full compliance with the provisions of the Permit, shall be “Non-Compliant.” If it is determined that a Sign is “not permitted,” it will be subject to the enforcement provisions in Section 2 or 3 of these Regulations.

b. Permit Exempt

No permit shall be required for the following types of Signs, as long as they are not Spectacular Signs:

1. Window Displays;
2. Incidental Signs;
3. Wayfinding Signs;
4. Signs required by Federal, State, or local laws;
5. Legal notices and house numbers, including Signs which form an integral part of a canopy or marquee entrance and state only the street number;
6. Signs, not over forty square feet in Sign Area, placed on a Premises upon which construction activities of any type are being actively performed, or posted on a Premises that is actively marketed for sale or lease of the Premises; provided said Signs comply with all other provisions of these Regulations related to height and placement;
7. Temporary Signs;
8. Motorist Information Panel Signs authorized by order of the Commissioners Court of Fort Bend County, Texas, pursuant to Subchapter B of Chapter 395 of the Transportation Code³;

³ Under Section 395.057 of the Transportation Code, a toll road authority may not regulate a motorist information panel or business sign erected, maintained, or regulated under Subchapter B, Toll Road Informational Signs, under Chapter 395 of the Transportation Code.

9. On-Premise Signs setting forth the location of or directions to parking or buildings located on the Premises, or regulating the flow of on-Premises traffic, provided the Sign Area of such Signs shall not exceed 10 square feet. Such directional Signs may be lighted, consistent with the requirements of any applicable building codes and the County Lighting Regulations;
10. Flags, provided such Flags are properly displayed from either freestanding or wall-mounted Flag Poles; and
11. Displays placed within 500 feet of the Premises on which a one-time event is held, which may be displayed for up to 5 days before and 1 day after such event, provided such displays conform to applicable building, fire, and safety codes, and contain no flashing, blinking, or searching lights or mechanically moving parts.

c. Compliant

1. Grandfathered Signs

All conforming and nonconforming Signs existing and in place prior to the 2006 Regulations, effective January 24, 2006, are grandfathered, and shall not require a permit, provided the following conditions are met:

- i. Any substantial Modifications or repairs made to a Grandfathered Sign after the effective date of these Regulations, as amended, shall require a Sign permit conforming to the requirements of the effective date of these Regulations, as amended.
- ii. Grandfathered Signs must be found to be in compliance with any existing County regulations at the time of their installation and remain in compliance with the previously implemented regulations.

All conforming and nonconforming Signs existing and in place on or after January 24, 2006 until the effective date of these Regulations, are grandfathered, and shall not require a permit, provided the following conditions are met:

- i. Any substantial Modifications or repairs made to a Grandfathered Sign after the effective date of these Regulations, as amended, shall require a Sign permit conforming to the requirements of the effective date of these Regulations, as amended.
- ii. Grandfathered Signs must be found to be in compliance with the 2006 Regulations, the 2011 Regulations, the 2013 Regulations, or these Regulations, as applicable, at the time of their installation, and remain in compliance with the chosen regulations.

2. Damage or Repair

When any Sign, or a substantial part thereof, is blown down, taken down, destroyed, or removed for any purpose other than maintenance or the changing of letters, symbols, or other matter on the Sign, it shall not be re-erected or reconstructed except in full compliance with

these Regulations. Any Sign blown down or damaged must be fully repaired in compliance with these Regulations or completely removed.

3. Voluntary Change

Voluntary change of an existing Sign will require full compliance with these Regulations, including a new permit.

4. Relocation of Certain On-Premise Signs

Notwithstanding the provisions of this Section, any On-Premise Sign which has a valid permit, and which exceeds the height and size limitations contained in these Regulations, may be relocated on the same Premises, if:

- i. The Sign is removed from its present location because Fort Bend County acquired the property upon which the Sign is located through eminent domain or purchase; and
- ii. The Sign is relocated at the height and size indicated on the Sign's current permit and without any substantial alterations in the construction materials of the Sign; and
- iii. The Sign otherwise conforms to all other provisions of these Regulations at the time of relocation.

However, nothing in this Section shall restrict the right of the County Toll Road Operator to remove the Sign pursuant to Sections 2 or 3 of these Regulations.

MISCELLANEOUS

a. Identification of Signs

Every Sign for which a permit is required shall be plainly marked with the name of the Sign Owner.

b. Substitution

Notwithstanding anything set forth in these Regulations to the contrary, non-commercial content may replace the message on any Sign in compliance with these Regulations.

c. Interpretation

These Regulations and all terms and provisions hereof are intended to be content-neutral. In the event of any uncertainty, the Regulations shall be interpreted so that the content of a Sign is immaterial to the application of these Regulations to the Sign.

d. Fraudulent Information

The County Toll Road Operator may revoke any permit issued under the provisions of these Regulations if there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit or approval was based.

e. Severability

If any provision of these Regulations or their applicability to any Person or circumstance is held by a court of competent jurisdiction to be invalid or unconstitutional for any reason, the invalid or unconstitutional provision or application does not affect any other provision or applicability of these Regulations, which can be given effect without the invalid or unconstitutional provision or application, and to this end, the provisions of these Regulations are declared to be severable.

APPENDIX A

SIGN REGULATION FEES AND PENALTIES

Effective May 1, 2019

Application Fee:

Permanent Sign.....	\$ 100.00
Illuminated Permanent Sign.....	\$ 125.00
Temporary.....	\$ 35.00

Inspection

Initial Site Inspection.....	\$ 50.00
Re-Inspection	\$ 75.00

Citations

Non-Compliance (per Citation)	\$ 106.00
Removal (in addition to actual cost of removal)	\$ 250.00

**CHECKS SHOULD BE MADE PAYABLE TO
FORT BEND COUNTY TOLL ROAD AUTHORITY.**

EFFECTIVE DATE

THIS AGREEMENT IS EFFECTIVE ON THE DATE IT IS APPROVED BY THE FORT BEND COUNTY COMMISSIONERS COURT, AND IF NOT SO APPROVED SHALL BE NULL AND VOID.

DATE OF COMMISSIONERS COURT APPROVAL: April 23, 2019

AGENDA ITEM NO.: FBCTRA - 15B; and
FBGPTRA - 16B.